

EXHIBIT B

Casey, Christopher H.

From: Perlman, Neal <nperlman@ftc.gov>
Sent: Tuesday, October 12, 2021 1:40 PM
To: Casey, Christopher H.; Rudowitz, Andrew J.; Pollack, Jeffrey S.
Cc: Meier, Markus H.; Albert, Bradley Scott; Jeremy.Kasha@ag.ny.gov; Schmidt, J. Maren; Flint, Phoebe; Tuttle, Bryce; Kaufman, Noah J.; nrendino@kasowitz.com; Richard.Schultz@illinois.gov
Subject: RE: FTC et al. v. Vyera Pharmaceuticals et al., 1:20-civ-00706 (DLC) - Shkreli Writ

Chris,

We do not consent. Shkreli has known about his trial date since April. Plaintiffs have been working diligently both to be ready for the December trial and to submit our pre-trial materials next week, and moving the trial at this late stage would be prejudicial to Plaintiffs. Furthermore, based on our conversations with BOP, it is not clear to us that Shkreli's attendance at trial in December would meaningfully affect Shkreli's participation in the program. At this point, we don't even know how long the trial will be.

Best,
Neal

From: Casey, Christopher H. <CHCasey@duanemorris.com>
Sent: Tuesday, October 12, 2021 9:15 AM
To: Perlman, Neal <nperlman@ftc.gov>; Rudowitz, Andrew J. <AJRudowitz@duanemorris.com>; Pollack, Jeffrey S. <JSPollack@duanemorris.com>
Cc: Meier, Markus H. <MMEIER@ftc.gov>; Albert, Bradley Scott <BALBERT@ftc.gov>; Jeremy.Kasha@ag.ny.gov; Schmidt, J. Maren <mschmidt@ftc.gov>; Flint, Phoebe <pflint@ftc.gov>; Tuttle, Bryce <btuttle@ftc.gov>; Kaufman, Noah J. <noah.kaufman@morganlewis.com>; nrendino@kasowitz.com; Richard.Schultz@illinois.gov
Subject: RE: FTC et al. v. Vyera Pharmaceuticals et al., 1:20-civ-00706 (DLC) - Shkreli Writ

Neal,

We will not be preparing a writ. Because of the effect that appearing at trial in December will have on Mr. Shkreli's participation in [REDACTED], and consequently his release date, we will be filing a motion to continue the trial until a date no earlier than May 1, 2022.

Pursuant to Section 1E. of Judge Cote's Individual Practices in Civil Cases, please let me know whether plaintiffs consent to this motion, and if not, the reasons for refusing to consent. We would appreciate a response by COB tomorrow, so that we can file tomorrow.

Thanks,

Chris



From: Perlman, Neal <nperlman@ftc.gov>

Sent: Friday, October 8, 2021 2:33 PM

To: Casey, Christopher H. <CHCasey@duanemorris.com>; Rudowitz, Andrew J. <ARudowitz@duanemorris.com>; Pollack, Jeffrey S. <JSPollack@duanemorris.com>

Cc: Meier, Markus H. <MMEIER@ftc.gov>; Albert, Bradley Scott <BALBERT@ftc.gov>; Jeremy.Kasha@ag.ny.gov; Schmidt, J. Maren <mschmidt@ftc.gov>; Flint, Phoebe <pflint@ftc.gov>; Tuttle, Bryce <btuttle@ftc.gov>; Kaufman, Noah J. <noah.kaufman@morganlewis.com>; nrendino@kasowitz.com; Richard.Schultz@illinois.gov

Subject: FTC et al. v. Vyera Pharmaceuticals et al., 1:20-civ-00706 (DLC) - Shkreli Writ

Chris,

I am writing to follow up on our September 28 meet and confer concerning Shkreli's attendance at trial. When do you plan to send us a draft version of the writ of habeas corpus? Given the logistics associated with transporting and housing him, we think it prudent to file it with the court by the end of the month.

Thanks,
Neal

Neal J. Perlman
Health Care Division | Bureau of Competition
Federal Trade Commission

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